

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAGISTRATE ACTION NO. C-08-748
	§	
RUBEN CORTEZ-PEREZ	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. He admitted he was being paid to transport drugs. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of Mr. Gregorio Zavala. The defendant is a resident alien facing deportation if convicted. He was on probation for reckless driving when he committed this offense. The defendant did not produce a co-surety with non-exempt assets sufficient to address the risk of flight. The government's motion for detention is granted. The issue of detention may be reconsidered if the defendant can produce a co-surety sufficient to address the risk of flight.

The defendant is committed to the custody of the Attorney General or his

designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 22nd day of October, 2008.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE